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Attorneys for Plaintiff

JUDGE SCHEINDLIN

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

08 CIV 49537

----- x  
TUFENKIAN IMPORT/EXPORT VENTURES,  
INC.,

Plaintiff,

-against-

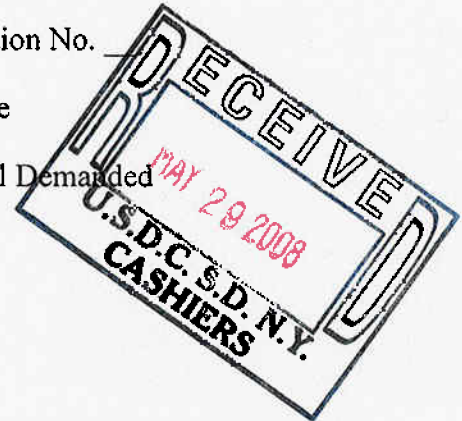
TRUETT FINE CARPETS & RUGS and DAVID  
TRUETT,

Defendants.  
----- x

Civil Action No.

ECF Case

Jury Trial Demanded



**COMPLAINT FOR COPYRIGHT INFRINGEMENT**

Plaintiff, Tufenkian Import/Export Ventures, Inc., by its attorneys, Cowan, Liebowitz & Latman, P.C., for its complaint, alleges:

1. This is an action for copyright infringement brought pursuant to the Copyright Act of 1976.

**Parties**

2. Plaintiff Tufenkian Import/Export Ventures, Inc. ("Tufenkian") is a New York corporation with its principal place of business at 919 Third Avenue, New York, NY 10022.

3. Tufenkian is one of the world's leading designers and suppliers of handmade Tibetan and Armenian carpets.

4. On information and belief, defendant Truett Fine Carpets & Rugs is a Texas business entity with its principal place of business at 1444 Oak Lawn Ave, Suite 220, Dallas, Texas.

5. On information and belief, defendant Truett Fine Carpets & Rugs is a dealer in carpets, rugs and flooring serving trade and retail customers.

6. On information and belief, defendant David Truett is an individual resident of Texas, and the principal of defendant Truett Fine Carpets & Rugs.

7. On information and belief, defendant David Truett, as the principal of defendant Truett Fine Carpets & Rugs, has directed and participated in the infringing activities alleged in this complaint and is personally responsible for its actions.

#### **Jurisdiction**

8. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338. Venue is proper under 28 U.S.C. § 1391(b) and (c).

9. On information and belief, defendants have engaged in infringing activities that injure plaintiff in this district, and are otherwise subject to personal jurisdiction in this district, having engaged in purposeful business activities in this district that are a substantial part of the events giving rise to this claim.

#### **Plaintiff's Design**

10. Since 1985, Tufenkian has produced high-quality Tibetan carpets that integrate classic Tibetan weaving craft, Himalayan wool and modern Western designs and colors. Tufenkian carpets are hand-crafted in Nepal, and require, on average, several thousand hours of labor to produce.

11. Tufenkian carpets have received considerable laudatory publicity and have been the subject of articles appearing in House & Garden Magazine, House Beautiful, Contract Design, Elle, The Journal of Commerce and Home Accents Today, among other publications.

12. Tufenkian carpets are widely sold and advertised throughout the United States and internationally, in showrooms, via catalogues and brochures and over the Internet.

13. Tufenkian carpets are designed by James Tufenkian, plaintiff's principal, and other top American designers such as Kristie Strasen.

14. In or around 2001, Tufenkian commissioned and began to sell an original carpet design created by Kristie Strasen called "Snakes and Ladders." (Exhibit 1)

15. The "Snakes and Ladders" carpet design is registered in plaintiff's name at the United States Copyright Office under Registration No. VA-1-184-434, with an effective date of January 8, 2003. A copy of the Certificate of Registration is attached hereto as Exhibit 2.

#### **Defendants' Infringement**

16. In approximately November 2003 defendants and plaintiff entered into a business relationship under which defendant Truett Fine Carpets & Rugs was an authorized dealer in Tufenkian rugs in the Dallas-Fort Worth, Texas area.

17. Under the parties' business relationship, defendant David Truett met with Tufenkian personnel in New York; and Tufenkian, from its New York headquarters, furnished defendants with extensive information and point-of-sale materials embodying Tufenkian's exclusive carpet designs, including "Snakes and Ladders."

18. Tufenkian from its New York headquarters supplied defendants with rugs embodying Tufenkian's exclusive designs, which were sold by defendants from stock and via

custom order through their Dallas showroom, until Tufenkian terminated the relationship in approximately May 2006.

19. In late October 2006, Tufenkian learned that defendants had manufactured or caused to be manufactured three large custom rugs embodying Tufenkian's copyrighted "Snakes and Ladders" design, and installed them in the newly renovated Hilton Dallas Lincoln Centre hotel, located at 5410 LBJ Freeway, Dallas, Texas 75240-6276. Photographs of the infringing rugs, and screen shots of the hotel's online "virtual tour" showing two of the infringing rugs installed in the hotel lobby, are attached as Exhibit 3.

20. Each of the rugs furnished and installed by defendants in the Hilton Dallas Lincoln Centre hotel infringes Tufenkian's copyright, Registration Number VA-1-154-433, in its "Snakes and Ladders" design.

21. Defendants' infringing acts alleged herein were performed without the permission, license or consent of Tufenkian.

22. On information and belief, defendants' infringing acts alleged herein were committed with knowledge or in reckless disregard of Tufenkian's exclusive rights in the "Snakes and Ladders" design under the federal Copyright Act.

23. As a consequence of defendants' infringing activity, plaintiff has suffered, and will continue to suffer irreparable injury unless defendants are enjoined from engaging in their infringing activities.

24. Plaintiff has no adequate remedy at law.

**WHEREFORE**, plaintiff demands that the Court:

1. Find that defendants have infringed upon plaintiff's copyright in its "Snakes and Ladders" carpet design;

2. Preliminarily and permanently enjoin defendants, their officers, agents, employees, and related companies, and all persons acting for, with, by, through, or under them, from manufacturing, copying, reproducing, distributing, advertising, promoting, offering for sale or selling rugs or other products or articles bearing any design identical or substantially similar to Tufenkian's copyrighted "Snakes and Ladders" carpet design;

3. Order the impoundment of the infringing rugs under 17 U.S.C. § 503;

4. Order defendants, their officers, agents, employees and related companies, and all persons acting for, with, by, through, or under them, to destroy all carpets infringing Tufenkian's copyrighted carpet design as well as all other infringing materials;

5. (a) Award to plaintiff its actual damages incurred as a result of defendants' acts of infringement, and all profits defendants realized as a result of their acts of infringement, in amounts to be determined at trial; or

(b) In the alternative, award to plaintiff, pursuant to 17 U.S.C. § 504, statutory damages for each act of infringement committed by defendants;

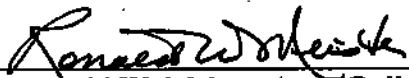
6. Award to plaintiff, pursuant to 17 U.S.C. § 505, its costs and attorneys' fees incurred as a result of defendants' acts of infringement; and

7. Grant such other and further relief as the Court deems necessary and proper under the circumstances.

Dated: New York, New York  
May 27, 2008

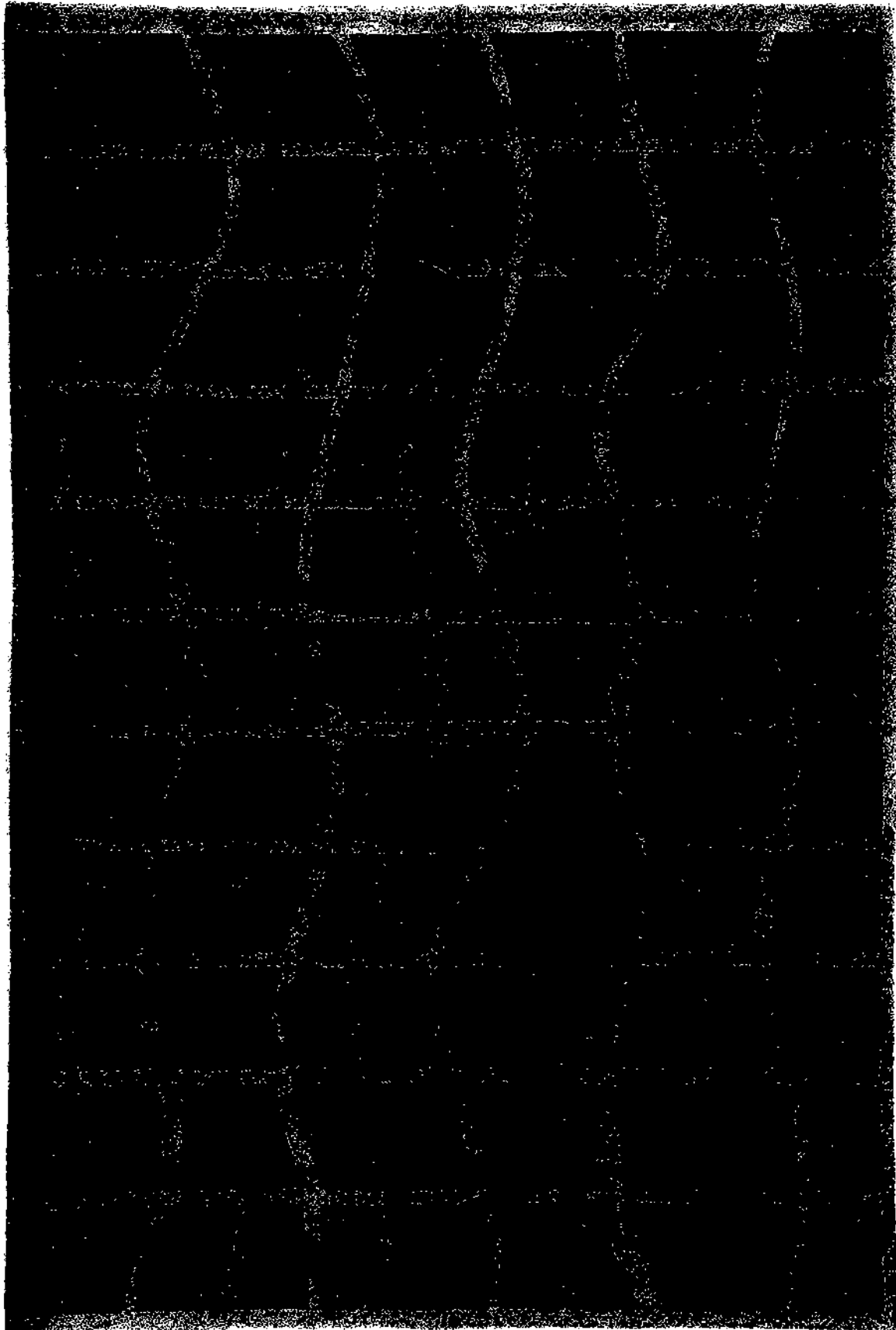
Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.

By:   
Ronald W. Meister ([rwm@cjl.com](mailto:rwm@cjl.com))  
Thomas Kjellberg ([txk@cjl.com](mailto:txk@cjl.com))  
1133 Avenue of the Americas  
New York, New York 10036-6799  
(212) 790-9200

Attorneys for Plaintiff

# **Exhibit 1**





## **Exhibit 2**

# CERTIFICATE OF REGISTRATION



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*  
 REGISTER OF COPYRIGHTS  
 United States of America

For a Work of the Visual Arts  
 UNIT  
 REG  
 VA 1-184-434  
 EFFECTIVE DATE OF REGISTRATION  
 1-8-03

OFFICIAL SEAL

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

TITLE OF THIS WORK

NATURE OF THIS WORK

1 SNAKES AND LADDERSCARPET DESIGN

PREVIOUS OR ALTERNATIVE TITLES

Publication as a Contribution If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work

If published in a periodical or serial give: Volume

Number

Page Date

On Pages

NAME OF AUTHOR

DATES OF BIRTH AND DEATH

Year Born Year Died

2 a KARSTIE STRASEN1948

Was this contribution to the work a "work made for hire"?

Author's Nationality or Domicile

Name of Country

OR Citizen of USA

Domiciled in

Was This Author's Contribution to the Work

Anonymous? ☐ Yes ☒ NoPseudonymous? ☐ Yes ☒ No

NATURE OF AUTHORSHIP Check appropriate box(es). See instructions

☐ 3-Dimensional sculpture☐ Map☐ Technical drawing☒ 2-Dimensional artwork☐ Photograph☐ Text☐ Reproduction of work of art☐ Jewelry design☐ Architectural work

NAME OF AUTHOR

DATES OF BIRTH AND DEATH

Year Born Year Died

Was this contribution to the work a "work made for hire"?

Author's Nationality or Domicile

Name of Country

OR Citizen of

Domiciled in

Was This Author's Contribution to the Work

Anonymous? ☐ Yes ☒ NoPseudonymous? ☐ Yes ☒ No

NATURE OF AUTHORSHIP Check appropriate box(es). See instructions

☐ 3-Dimensional sculpture☐ Map☐ Technical drawing☐ 2-Dimensional artwork☐ Photograph☐ Text☐ Reproduction of work of art☐ Jewelry design☐ Architectural work

3

Year in Which Creation of This Work Was

Completed

2000

This information must be given in all cases.

Date and Nation of First Publication of This Particular Work

Complete this information ONLY if this work has been published.

Month JANUARYDay 17Year 2001

4

See instructions before completing this space.

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2

TUFENKIAN IMPORT EXPORT VENTURES, INC.  
902 BROADWAY, 2ND FLOOR  
NEW YORK, NY 10010-6002

Transfer If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.

BY WRITTEN CONTRACT

APPLICATION RECEIVED

JAN 08 2003

ONE DEPOSIT RECEIVED

JAN 07 2003

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

MORE ON BACK

• Complete all applicable spaces (numbers 3-6) on the reverse side of this page.  
 • See detailed instructions.  
 • Sign the form at line 6.

DO NOT WRITE

Page 1 of 1

CHECKED BY

☐ CORRESPONDENCE  
Yes
FOR  
COPYRIGHT  
OFFICE  
USE  
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes ☐ No If your answer is "Yes," with another registration being sought? (Check appropriate box.)

☐ This is the first published edition of a subsequently registered in unpublished form.

☐ This is the first application submitted with notice of copyright claimant.

☐ This is a changed version of the work; show by space 6 on this application.

If your answer is "Yes," give Previous Registration Number

Year of Registration

DERIVATIVE WORK OR COMPILED WORK Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.

a. Preexisting Material Identify any preexisting work or works that this work is based on or incorporates.

b. Material Added to This Work Give a brief general statement of the material that has been added to this work and in which copyright is claimed.

DEPOSIT ACCOUNT If the registration is to be changed in a Deposit Account established in the Copyright Office, give name and number of Account.

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/ZIP

JAMES F. TUFENKIAN  
902 BROADWAY, 2ND FL  
NEW YORK, NY 10010-6002

Area code and daytime telephone number (212) 475-2475 x 307 Fax number (212) 475-2629

Email lmakdisi@tufenkiancarpets.com

CERTIFICATION I, the undersigned, hereby certify that I am the

check only one

- ☐ author  
☐ other copyright claimant  
☐ owner of exclusive right(s)  
☒ authorized agent of TUFENKIAN IMPORT/EXPORT VENTURES

Name of author or other copyright claimant, or owner of exclusive right(s)

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date If this application gives a date of publication in space 8, do not sign and return it before that date.

JAMES F. TUFENKIAN

Date

Handwritten signature (s)

Certificate  
will be  
mailed in  
window  
envelope  
to this  
address:

Name

JAMES F. TUFENKIAN

Number/Street/Apt

902 BROADWAY, 2ND FLOOR

City/State/ZIP

NEW YORK, NY 10010-6002

## NOTES

- Complete all mandatory options
- Sign your application in space 8

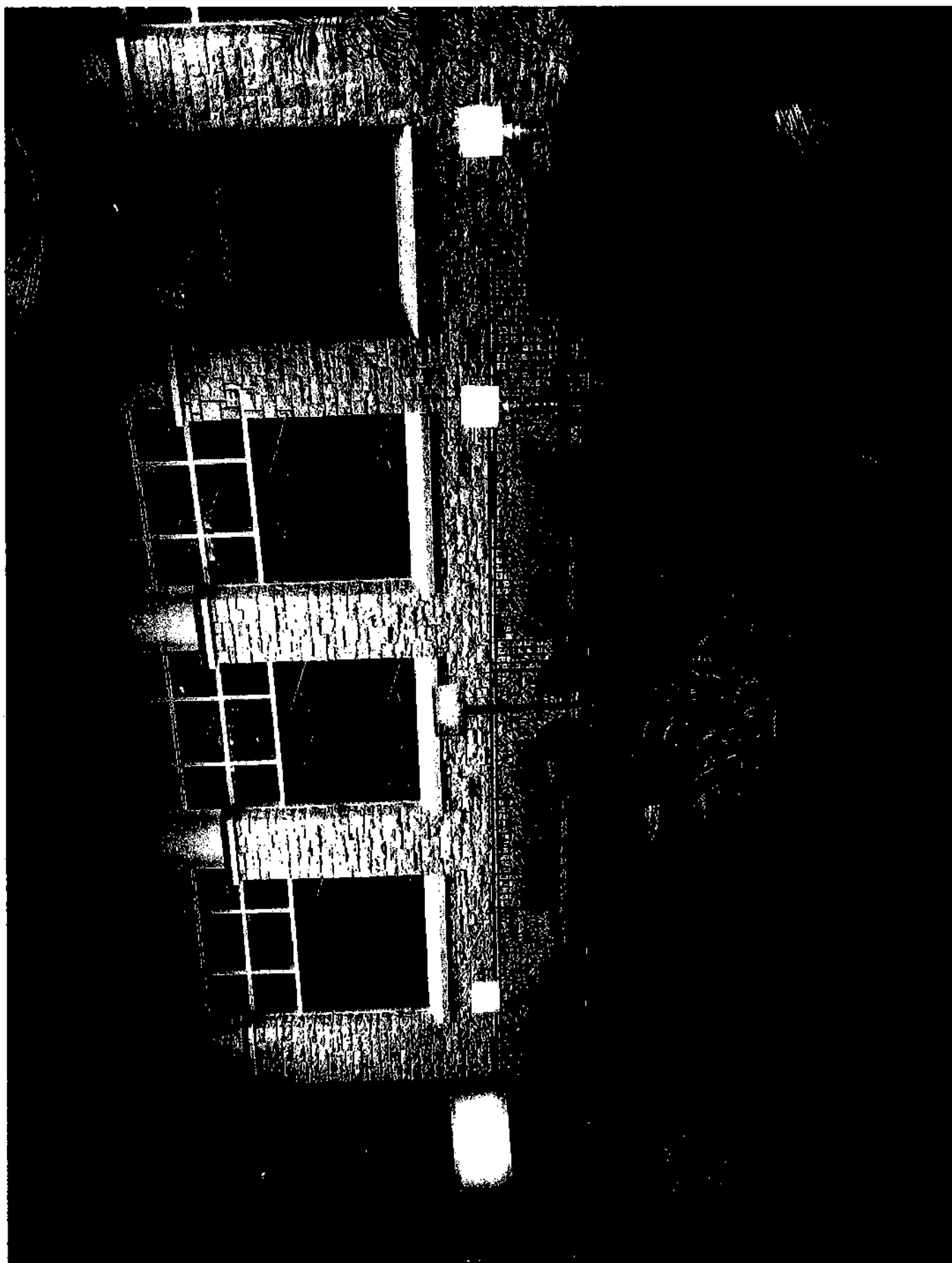
SEND ALL DELIVERIES  
IN THE SAME ENVELOPE

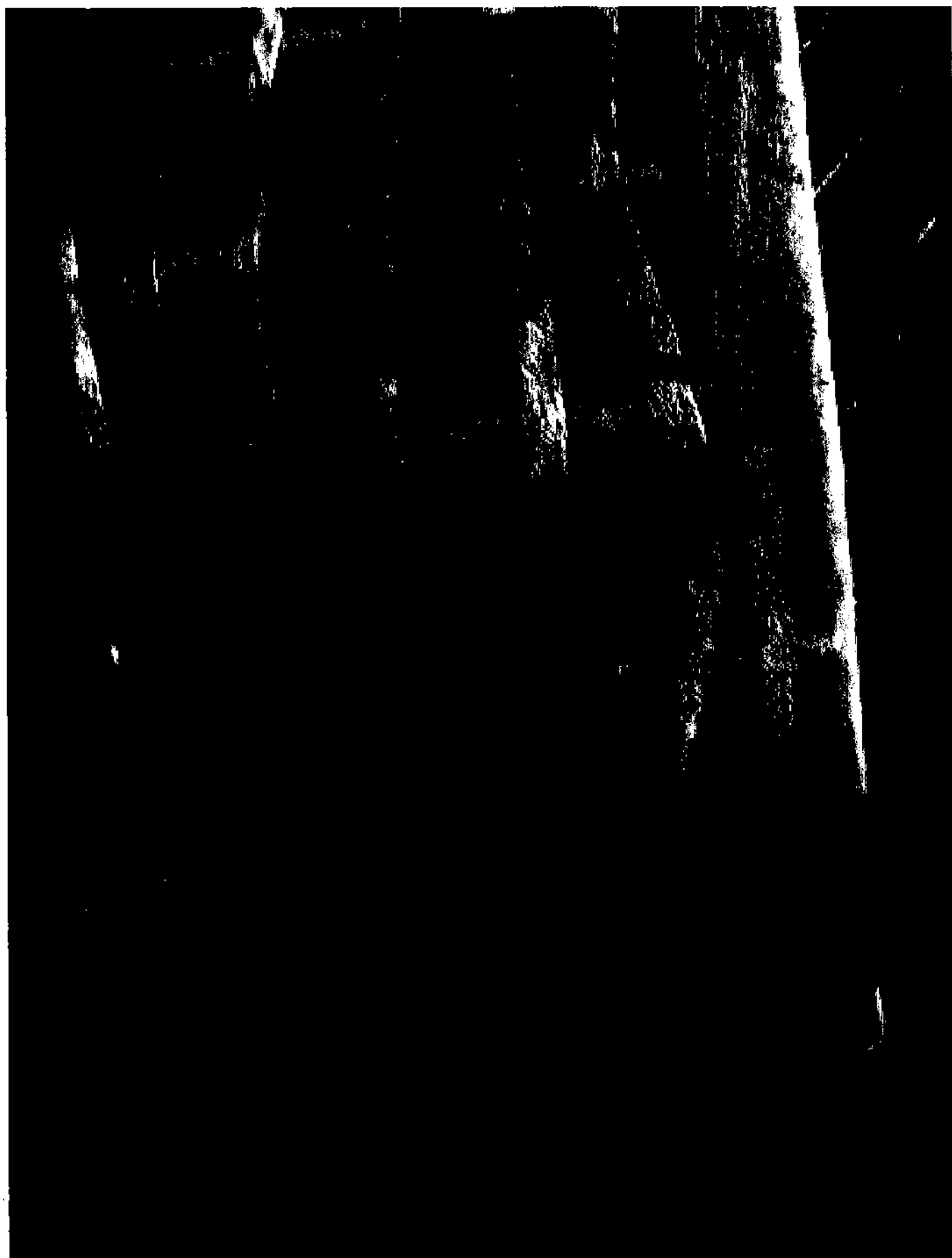
1. Application form
2. Nonreturnable filing fee in check or money order payable to Register of Copyrights
3. Deposit material

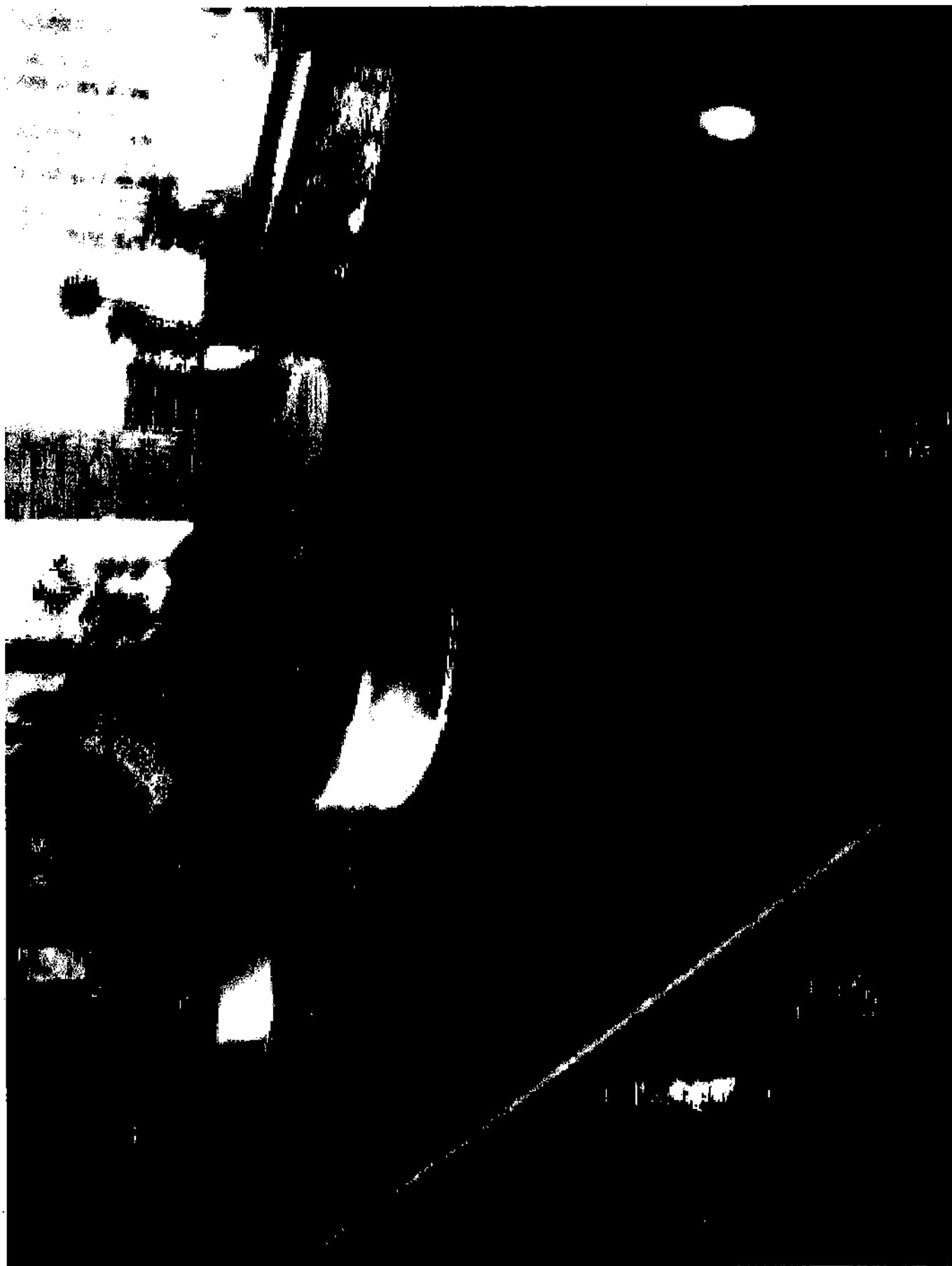
## DEPOSIT TO

Library of Congress  
Copyright Office  
101 Independence Avenue, S.E.  
Washington, D.C. 20540-8900

## **Exhibit 3**

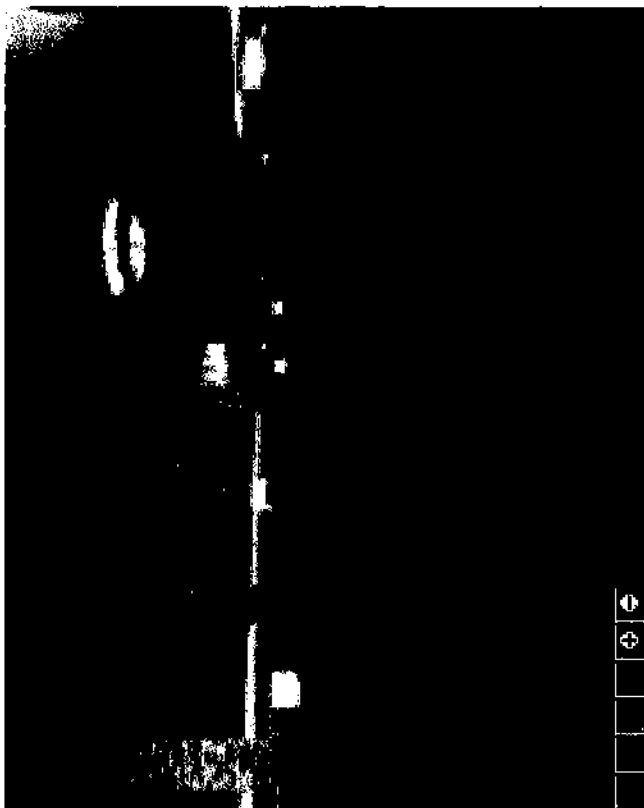






To take a virtual tour of this hotel please select a category below:

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[Luxury Suites](#)

[Getting Down to Business](#)

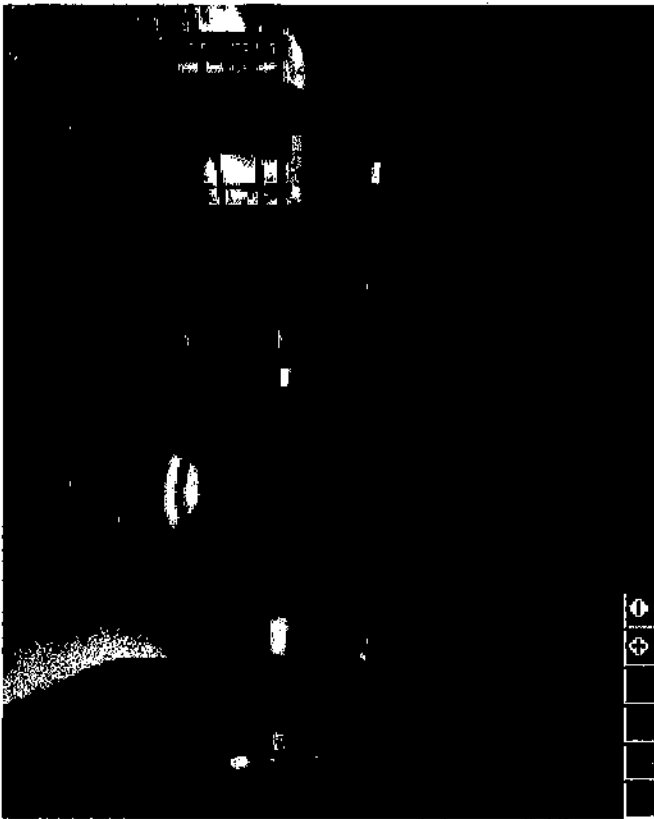
#### A warm welcome-Main Lobby

The Hilton Dallas Lincoln Center main lobby features intimate seating pods, concierge, and Starbucks Coffee® at L'Express, plus access to complimentary Internet stations and our lovely outdoor lake. Whether you're checking in for a long weekend or arriving for a business meeting, the Hilton Dallas Lincoln Center will make you feel right at home.



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